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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Costa Rica

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I. Introduction

A. Overview

1. Costa Rica herewith submits to the Human Rights Council its second national report under the universal periodic review, in which it seeks to follow up on the Council's recommendations of December 2009. It may be recalled that in March 2010 Costa Rica presented an additional document which set out its stance on the recommendations at the time, and in March 2012 it submitted its med-term report to the Council, in which it discussed progress made and the practical implementation of a number of recommendations. Thus, a reading of the present report should take the above-mentioned documents into account. However, in order to provide an overview of the human rights situation in Costa Rica, this introduction highlights a number of points of interest on the subject.

2. Like every democratic system, Costa Rica faces important challenges in the context of its efforts to promote and protect human rights and must address problems rooted in structural inequality and inequity and the dangers posed by crime and violence in the region.

3. One structural problem is poverty and the unequal distribution of wealth, as well as the accelerated growth of the older adult population. This situation is linked with the need to create options to offer better access to education and employment and to improve the quality of housing and provide alternative care for children and older persons. Thus, in recent years, public programmes and policies have been elaborated which address population groups that require special support in order to improve their quality of life and help them find employment.

4. Poverty, inequality and exclusion make it easier for criminal organizations to take root in society and encourage the growth of the drug market and the movement of and trafficking in persons and their exploitation. Considerable efforts have been made to establish and maintain institutional bodies to combat violence, drug trafficking and trafficking in persons and to protect the victims. The Costa Rican Drug Institute, the Institute on Alcohol and Drug Dependency, the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents, the National Coalition against the Smuggling of Migrants and Human Trafficking and the working group on follow-up to the United Nations report on violence against children and adolescents, among other bodies and initiatives, have carried out activities that make an integral contribution to efforts to address these scourges.

5. One group of particular concern is that of minors. The rights of children and adolescents are seriously affected by new phenomena of growing importance, such as sexual exploitation, sexual abuse and adolescent pregnancy, in particular when they are linked to abusive relations with adults.

6. The lead body in this area, the National Child Welfare Agency (PANI), conducts policies, programmes and projects for targeted, comprehensive protection of minors and their families, in coordination with other institutions and NGOs, but the resources needed to ensure better management are limited.

7. With regard to specific population groups, indigenous peoples, persons of African descent, migrants and refugees are a segment of the population for which the State has had to take targeted measures, such as the National Policy for a Society free of Racism, Racial Discrimination and Xenophobia, which was introduced in December 2013. The overall

objective is to adopt effective measures to promote inclusive social practices which respect diversity in order to guarantee the full and effective exercise of the human rights of indigenous peoples, persons of African descent, migrants and refugees in Costa Rican society and thus eradicate forms of racial discrimination, racism and xenophobia.

8. Over the past four years, Costa Rica has been elaborating a new Migration Act and a comprehensive migration policy with a human rights perspective in order to achieve the integration of these population groups in society.

9. Also in recent years, there has been a debate on ways of ensuring the property rights of lesbians, gays, bisexuals, transsexuals, transgenders, transvestites and intersexuals. Although the subject has not been addressed in depth, action has been undertaken in a number of bodies, and initiatives have been developed in which civil society has played a fundamental role.

10. In respect of persons with disabilities and older persons, a number of national and international initiatives have been launched which have helped to make considerable progress in promoting the rights of these persons.

11. Since its first national report under the universal periodic review mechanism, Costa Rica has undertaken major efforts to make the exercise of human rights more effective for persons living in the country. The establishment of the Inter-Institutional Commission on Follow-Up to and Compliance with International Human Rights Obligations (CIIDDHH) stands out in this regard. CIIDDHH was one of the commitments entered into by Costa Rica in its first report.

B. Preparation procedure

12. The present report was prepared in the framework of CIIDDHH, which brings together 21 bodies of the executive branch (ministries and autonomous institutions) and representatives of the judiciary, the Supreme Electoral Tribunal, the Office of the Ombudsman and the Legislative Assembly as observers with a duty to provide information.

13. CIIDDHH was set up in 2011 as a permanent consultative body of the executive branch attached to the Ministry of Foreign Affairs and Worship to ensure follow-up to and compliance with international human rights obligations and the coordination of international human rights initiatives.

14. Executive Decree No. 36776-RE, which established CIIDDHH, also created the Permanent Body for Consultation with Civil Society (EPCSC), through which a dialogue with civil society has been developed in the overall context of the preparation of reports. The general dynamics of the meeting and the discussion of aspects relating to the implementation of human rights obligations have facilitated the institutional consideration of the effectiveness and efficiency of the work under way and its intrinsic relation to the exercise of human rights for persons in Costa Rica.

II. The rule of law

A. Normative framework

15. Since the submission of the first report for the universal periodic review, Costa Rica has ratified the following international instruments:

- The International Convention for the Protection of All Persons from Enforced Disappearance;

- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

16. The legislature has approved the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure.

17. It has signed the San José Charter on the rights of older persons in Latin America and the Caribbean, adopted at the Third Intergovernmental Conference on Ageing held in San José, Costa Rica, from 8 to 11 May 2012.

18. It has proceeded to sign, and to submit to the ratification process, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights establishing a communications procedure (pending final approval at legislative level).

19. The following laws on the promotion and protection of human rights have been adopted:

- The Act on Trafficking and Related Activities and the Establishment of the National Coalition against Illicit Smuggling of Migrants and Trafficking in Persons;
- The Act on the Protection of Victims, Witnesses and other Persons involved in Criminal Procedures, Reforms and Additions to the Code of Criminal Procedure and the Criminal Code;
- The Act on the Abolition of Physical Punishment and any Other Form of Abuse or Degrading Treatment of Children and Adolescents;
- The Act on the Strengthening of the National Council for Older Persons.

B. System of justice

20. With regard to access to justice, the judicial branch has been mainstreaming the implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People since May 2008 and has set up bodies and committees to ensure compliance.

21. The National Commission on the Improved Administration of Justice, composed of the judiciary, the Bar Association, the faculty of law of the University of Costa Rica, the Supreme Electoral Tribunal, the Ministry of Justice and Peace, the Office of the Attorney-General, the Legislative Assembly, the Office of the Ombudsman and the Office of the Comptroller-General, is responsible for ensuring implementation through programmes and coordination between public bodies.

22. The Commission deals with inter-institutional coordination with representatives of the justice branch; the programme of public participation in the system for the administration of justice; access to justice for vulnerable groups; promotion of the rights of migrants and refugees through a media observatory on the migrant and refugee population; and promotion of and training in restorative justice.

23. The Access to Justice Commission, the lead institutional body in the area of access to justice for vulnerable groups, is responsible for setting policies and institutional guidelines for that purpose. It is composed of all jurisdictions and representatives of the subcommittees working for each vulnerable group (persons with disabilities, older persons, persons deprived of liberty, migrants and refugees, sexually diverse persons, indigenous persons, victims of offences, victims of sexual and domestic violence, and children, adolescents and adults in conflict with the law), and representatives of professional associations and civil society. Its objective is to implement policies and guidelines and to mainstream them through coordinated activities with the various judicial stakeholders.

24. As a result of the work of the Commission, the judiciary has a policy directed at improving access to justice for children and adolescents in Costa Rica, which emerged from a process of participatory consultation with judicial and institutional officials of the national system for the protection of children and adolescents, civil society organizations, international organizations and children and adolescents themselves. Adopted in November 2010, the policy's main objective is to secure effective access to justice for minors, eliminating any discrimination, restriction or hindrance that impedes the exercise of their rights, on the basis of a judicial culture that develops the paradigm of comprehensive protection for children and adolescents.

25. An institutional policy on the right of access to justice for vulnerable juveniles facing criminal prosecution and a policy on respect for sexual diversity were also developed, pursuant to which the judiciary undertook to promote non-discrimination on the basis of sexual orientation of the persons concerned and judicial personnel as well as the institutional policy for access to justice for the migrant and refugee population (2010).

C. Statistical information system

26. The 2011 census conducted by the National Statistics and Census Institute introduced an improved statistical processing system that met the recommendations of the United Nations human rights treaty bodies and specialized agencies and organs, including the Economic Commission for Latin America and the Caribbean and the United Nations Population Fund. Data were collected on the indigenous population and persons of African descent, and the census methodology was improved through cooperation with leaders, organizations and experts. A focus on ethnic self-identification was used, which refers to the right of persons to declare that they are members of a particular ethnic or racial group.

27. Steps are being taken to set up a system of statistical indicators on children and adolescents, a useful tool for formulating policy, plans and programmes aimed at guaranteeing the rights of minors; the initiative is conducted by the National Statistics and Census Institute under the auspices of UNICEF.

28. CIIDDHH has undertaken to begin working to facilitate the production of statistics in order to establish a system of human rights indicators which will be used on an inter-agency basis and will coordinate national statistics so as to collect hard data on all groups and categories that may be drawn upon for an analysis of the enjoyment of human rights, as well as a systematized, articulated process that yields the accessible, structured and processed information needed to take decisions and adopt policies in line with those findings.

D. Civil society, and dissemination and awareness-raising

29. With the establishment of the Permanent Body for Consultation with Civil Society (EPCSC), the State, through CIIDDHH, has set out to create a forum for dialogue with organizations, groups and representatives of civil society. The process is in its incipient phase, but a number of activities have been devoted to establishing a permanent forum for transparent exchanges.

30. In 2012, EPCSC was used to conduct a dialogue on the functioning of the Inter-American Commission on Human Rights in order to strengthen the inter-American human rights system; civil society provided impetus. As part of the reform process, Costa Rica hosted one of the forums organized by the Inter-American Commission in order to hold in-depth discussions with civil society on the technical aspects of the reform agenda.

31. In 2012 and 2013, meetings and dialogues were held in the framework of EPCSC as part of the elaboration of a national policy on a society free from racism, racial discrimination and xenophobia.

32. With regard specifically to the universal periodic review, meetings were convened on three occasions with registered civil society organizations (including organizations, groups, experts and interested persons). The purpose of the first meeting, held on 17 July 2013, was to formally initiate the dialogue and to address all matters of concern to CIIDDHH and the drafting of country reports for human rights treaty bodies.

33. At a second meeting, held on 16 September, the exchange of views focused on recommendations made in connection with Costa Rica's first report. It was agreed that civil society organizations and individuals would forward to the secretariat of the CIIDDHH (Ministry of Foreign Affairs) comments and inputs which might be taken into account in the first official draft. Two pages were set aside for civil society, which was invited to send contributions. In October, contributions were received from a number of organizations.

34. Once the draft report was circulated, a third meeting was convened on 11 December 2013 to close this stage of the dialogue on the universal periodic review prior to the report's submission on 25 January 2014. At this meeting, general comments were made on the text, and the elaboration procedure.

35. In the course of this dialogue, the State has sought to be honest and transparent, recognizing that past procedures, despite genuine efforts by institutional bodies, suffered from the lack of a system for a general dialogue with civil society. This remoteness from people's lives meant that the reports and the position of the State did not accurately reflect the situation of human rights. With CIIDDHH, and in particular with the establishment of EPCSC, Costa Rica intends to intensify the dialogue on its international obligations.

36. The present report is the product of a constructive process, and Costa Rica would like to continue to involve civil society in this effort. Many of the comments made by various organizations with regard to both form and substance have been incorporated into the text, without losing sight of the fact that this is a State report. We thank civil society for its commitment and contribution to this endeavour.

37. Costa Rica had intended to include a section in the report on the views and concerns of the civil society organizations which had participated in the elaboration process, but that was not possible, because they were not received by CIIDDHH until after the completion of the final version of the report.

38. Although much remains to be done, Costa Rica's objective is to improve the dynamics of this initial attempt at a joint endeavour as a constant process and to create mechanisms for the dissemination not only of the recommendations under the universal periodic review, but of all international human rights obligations. The dissemination and awareness-raising activities are directed at civil society, but also — and very importantly — at public institutions, as bodies responsible for guaranteeing human rights.

III. Civil and political rights

Public and personal safety

1. Violence against women

39. With regard to recommendations 15, 22, 23, 26, 29 and 91.6 of the Working Group on Costa Rica's universal periodic review, the National Women's Institute (INAMU) has

established a High Level Commission to monitor compliance with the Violence against Women Act.

40. The Commission has drafted an inter-institutional protocol for intervention and risk-assessment in cases of violence against women, an instrument for intervening in violent situations requiring comprehensive action by State bodies. The technical secretariat of the national system, which is located within the Gender Violence Unit of INAMU, has elaborated a set of indicators to monitor compliance with the institutional commitment established therein.

41. In 2012, in the framework of the Violence against Women Act, an investigation was launched into the effective and timely access of women to the criminal justice system, which is a continuous process aimed at identifying critical aspects in the area. INAMU has also helped to draw attention to a number of important issues, such as new forms of violence against women, organized crime and trafficking in women, and has contributed to broadening the legal definition of femicide, bringing it into line with the Convention of Belém do Pará.

42. The Violence against Women Act has been amended, and articles have been added to criminalize abuse and assault. In 2011, Act No. 8925 was adopted, which amends the Domestic Violence Act, creating an internal register of perpetrators administered by the judiciary, raises the initial period of protection measures from six months to one year, improves access to justice for victims and allows the criminal authorities to apply measures in the absence of domestic violence courts.

43. A Unified System of Statistics on Gender Violence has been set up to define, develop and maintain a system of information which makes it possible to identify the gender violence dimension. With regard to inter-institutional care for female victims of violence, reference is made to the Comprehensive Platform of Services to Assist Victims of Violence, a mechanism which coordinates legal services for this target group.

44. In 2012, the number of femicides declined significantly – 18 compared to an average of 38.75 annually between 2008 and 2011. In 2013, an emergency plan was defined with the goal of reducing gender-related murders of women. It contains immediate actions, an "emergency kit" and medium-term preventive measures. Legal and psychological assistance at the Pacific and Atlantic regional headquarters of INAMU was broadened, a domestic violence legal advisory service was made available in the capitals of four provinces, and work is under way on strengthening the special assistance and shelter centres for women and their children to protect women at risk of being murdered.

45. The State participates actively in international coordination forums and the creation of plans of action and their follow-up directed at guaranteeing women the protection and full exercise of their human rights.

2. Violence against children and adolescents

46. One of the phenomena with the greatest impact on minors is domestic violence, which is why a permanent commission for monitoring, assistance and prevention measures in relation to domestic violence was set up with the participation of public bodies active in addressing the problem, including PANI, INAMU, the judiciary and the National Council for Older Persons.

47. The Ministry of Planning and Economic Policy, in conjunction with the National Council for Children and Adolescents, is carrying out a plan of action for the protection of children and adolescents in situations of violence, with particular attention to the World Report on Violence and the recommendations for Costa Rica of the Committee on the Rights of the Child.

48. Civil society organizations have set up and are promoting a working group to assist public authorities in their ability to respond to the phenomenon of violence against children and adolescents, from the perspective of the United Nations Study on Violence against Children with an impact on the success of strengthened institutions for preventing, addressing, punishing and providing redress for violence against children and adolescents in the family, at work, in the community, at school and in institutions. At the initiative of civil society, for the past three years a working group on violence has sought to give effect to recommendation 2 of the World Report. NGOs, PANI, the Office of the Ombudsman and academia have participated in this working group.

49. The judiciary has also conducted a number of initiatives and programmes which deal with the sexual exploitation of children and adolescents for commercial purposes, as well as a plan of action on violence against children and adolescents, which addresses violence against this population group and works with those responsible for taking immediate action in order to inform the public on these offences and encourage their reporting.

50. In conformity with article 55 of the Constitution and the Organic Law on PANI, this body is the lead entity responsible for the welfare of children, adolescents and families. It operates in conjunction with other public institutions and therefore requires political support from the executive branch.

51. PANI is working hard to ensure the restoration of the rights of vulnerable minors, increasing allocations for the implementation of protection programmes aimed at improving assistance for this at-risk population.

52. To combat child pornography, direct messages are sent out through the social networks on children's rights and the risks that they face. These networks help in detecting, confronting and reporting websites which disseminate pornographic material. In 2012, article 167 of the Criminal Code was amended to include the offence of possession or dissemination of pornographic material involving minors with the help of the Internet.

3. Trafficking in persons, in particular women, children and adolescents

53. The most important development in this area is the Trafficking in Persons Act and the establishment of a National Coalition against the Smuggling of Migrants and Human Trafficking No. 9095 of February 2013. The Coalition set up a national foundation to combat trafficking in persons and the smuggling of migrants, which is funded with Costa Rica's exit tax and which will make it possible for the Coalition to carry out its work. The Coalition is composed of 21 public institutions and four commissions, on assistance, prevention, administration of justice, and information, analysis and investigation.

54. The Trafficking in Persons Act replaces administrative sanctions by the offence of exploitation of labour, with a view to punishing anyone who recruits persons and forces them to work in conditions that violate their fundamental human rights. A provision has also been incorporated into the Criminal Code that makes it an offence to project an image of Costa Rica as a tourist destination for sexual exploitation. With regard to trafficking, the Rapid Response Team identified 29 victims of trafficking in 2013 and 119 victims since its creation in 2010,[1] to whom assistance was provided according to each particular case.

55. With regard to prevention, information campaigns have been conducted on the offence of trafficking in persons and the sexual exploitation of children and adolescents, and approximately 20,000 civil servants, representatives of civil society and students throughout the country have received training. The Information, Analysis and Investigation Committee is working to establish a geographic, social and operative map on trafficking in persons in order to have an overview of the situation in the country so as to be able to provide assistance in places where the need is greatest.

56. Santa Cruz de Guanacaste's institutional network for combating the sexual exploitation of children and adolescents has been strengthened with the help of a road map that establishes reporting procedures from communal to institutional level. Police operations carried out in conjunction with a number of institutions have rescued minors involved in these practices, the aim being to provide a comprehensive approach to the problem, in particular with regard to the victims. There has also been international cooperation between the Judicial Investigation Organization and the Canadian police with a view to establishing joint reporting mechanisms.

57. The need to enact special comprehensive legislation on the smuggling of migrants which does more than merely focus on law enforcement and control is a challenge that Costa Rica must face.

4. The situation in detention centres

58. In line with the recommendations of the Human Rights Committee and the Committee against Torture regarding pretrial detention, the Ministry of Justice and Peace and the Directorate-General of Social Rehabilitation have sought alternatives through a bill on electronic monitoring mechanisms in criminal cases in order to utilize such devices as an alternative to detention and thus help alleviate prison overcrowding. However, the bill has not met with the approval of the Legislative Assembly.

59. The judiciary has ordered a number of measures to reduce prison overpopulation and overcrowding. The Constitutional Chamber of the Supreme Court[2] has issued several decisions to that effect since 1996 and has stressed that the State is under an obligation to prevent such overcrowding.

60. Thus, in Decision No. 2011-3742 of 2011, the Chamber ruled that, pursuant to article 40 of the Constitution, no one may be subjected to cruel or degrading treatment; that, as ill-treatment or cruel or degrading abuse may take many forms, they may of course be the result of deliberate intent, deficiencies in the organization of the prison service or insufficient resources; and that the existence of inhuman conditions in prison establishments, regardless of the causes, is a clear sign of the violation of the human rights of inmates that the State, which is responsible for their care, is under an obligation to remedy. The Chamber acknowledged the efforts made by the authorities to mitigate the effects of such overcrowding, including by increasing the amount of food, providing more and better space and organizing shifts for food service and visits, as may be deduced from a number of established facts, but, noting the overcrowding at the facility concerned, the Chamber concluded that it constituted a violation of human dignity.

61. In compliance with constitutional rulings, the sentencing court of the first judicial district of San José issued a corrective measure in September 2013 ordering the closure of the San José Institutional Penal Centre, the reduction of the prison population and the transfer of convicted persons to other places of detention. The measure prohibited the placement of new detainees in the centre. The transfer of all convicted persons to prisons to serve out their sentences was also ordered after it was determined that such persons were being held at the centre, which is for pretrial detention. When there was no room in other centres during the period specified in the measure, it was necessary to devise other non-custodial arrangements, such as overnight detention during the week and semi-open prison with a fixed domicile, for the 370 persons closest to completing their sentences, and to report on measures still being implemented.

62. Although the sentencing judges have implemented measures to reduce prison overpopulation and overcrowding, the State is facing the challenge of implementing a procedure with an exhaustive analysis of eligible persons by virtue of the fact that the system that was used had serious deficiencies, which meant that it was again necessary to

detain large numbers of persons, in addition to the urgent need to build new facilities with a capacity for holding the country's prison population in decent conditions. This problem requires an integral approach.

IV. Equality and non-discrimination: vulnerable groups

A. Women

63. Costa Rica is working to mainstream a gender perspective in all areas and has carried out a number of initiatives in State bodies to ensure compliance with these obligations and to build a society based on principles of gender equality. For example, the National Policy on Gender Equality and Equity of 2007 enjoys the support and political backing of the four branches of government, women's organizations and various sectors of civil society, as well as the United Nations Population Fund.

64. The national policy on gender equality and equity sets commitments for a decade (2007–2017) with a view to closing the gender gap, and establishes six strategic priority objectives relating to employment and income, family responsibilities, education and health, the effective protection of rights and the prevention of violence, political participation and the mainstreaming of gender equality and equity. Its implementation is the responsibility of a number of State institutions under the leading role of INAMU, into account being taken of civil society for follow-up, monitoring and assessment. There have been two strategic plans.

65. Gender equality policies have been formulated in the Legislative Assembly, the National Training Institute, the Costa Rican Social Security Fund, the Ministry of Labour and Social Security, the Supreme Electoral Tribunal, the judiciary, the Costa Rican Electrical Institute and the National University. A number of institutions have created equality and equity mechanisms, such as the Ministry of Housing and Human Settlements, the Ministry of Science and Technology, the Ministry of Finance and the Inter-Agency Institute for Social Assistance.

66. With a view to reducing all forms of discrimination against women, gender-sensitive training courses have been held for court personnel who receive complaints from women of discrimination or violence. A number of actions have also been carried out to promote a cultural exchange in favour of gender equality, with ongoing training and awareness-raising classes on gender and human rights for the personnel of the Ministry of Education, the Ministry of Justice and Pardons, the Ministry of Health, the Ministry of Culture and Youth, the Ministry of the Environment and Energy, PANI, the National Council on Rehabilitation and Special Education, the Costa Rican Social Security Fund, the National Emergency Commission and the Costa Rican Institute of Water Supply and Sanitation Systems.

67. Steps are being taken to combat gender stereotypes through media campaigns on television and radio and in the press, as well as through the use of posters with educational messages concerning women's rights on topics such as equal pay, the rights of domestic workers, the fight against domestic violence and femicide and the commitment of the community to report and help prevent such phenomena. Emphasis is placed on the need to report assaults and to ensure public involvement in that regard.

68. In accordance with recommendation 91.2, in November 2011 INAMU published and disseminated a first report on the situation of women's rights; its objective is to analyse the state of women's rights in the light of commitments entered into by Costa Rica, the aim being to provide input for decision-making and follow-up of public policies and to ensure accountability vis-à-vis society.

69. The study covered the following topics: poverty and gender inequality; economic and labour rights of women; violence against women; and women's right to sexual and reproductive health, autonomy, citizenship and political participation. It examined the findings of the first national survey on opinions and perceptions concerning women's rights, which was designed to use gender-related indicators and statistics to measure cultural changes in society that are conducive to gender equality and equity.

B. Children and adolescents

70. The protection and promotion of the human rights of children is a fundamental pillar of State action. The National Policy for Children and Adolescents 2009–2021 sets the strategic focus of action to promote, protect and ensure the human rights of all children and adolescents. Costa Rica's overall objective is to guarantee the full realization of the aspirations of children and adolescents and to be able to ensure the full exercise of all their rights. State obligations are primarily centred on providing the conditions needed to enable children and adolescents to achieve the highest possible living standard through the promotion of their capacities and to play an active role in their own development.

71. With regard to alternative child care, it is worth noting that the Department of Certification of PANI has received ISO-9001-2008 accreditation. This body is responsible for evaluation, supervision and training for alternative care, and it has succeeded in establishing that all private organizations with programmes of assistance for minors and with an operating licence rely on a model which guarantees compliance with comprehensive care procedures that ensure the implementation of the rights of minors, including all rules for care and the United Nations Guidelines for the Alternate Care of Children.

C. Indigenous peoples and persons of African descent

72. One of the voluntary commitments entered into by Costa Rica during the Durban Conference and in response to recommendations made following its first universal periodic review was to strengthen the judicial and institutional framework for combating racism and racial discrimination. Accordingly, CIIDDHH set out during its first two years to devise a policy and plan of action for a society free from racism, racial discrimination and xenophobia. This involved working with its member institutions. Through EPCSC, meetings and workshops were prepared with the organizations of various population groups (indigenous peoples and persons of African descent, migrants and refugees). The two major challenges were awareness-raising of the conditions and needs of each population group and their effective participation in the elaboration of the policy and plan of action, which were presented publicly on 17 December 2013.

73. The drawing up of the policy and plan of action raised awareness in public institutions, creating a better understanding of the need for measures that target the population groups concerned. Although the institutions do not have broad policies with differentiated approaches, certain initiatives and programmes are directed primarily at indigenous and migrant communities.

74. However, initiatives focusing on persons of African descent are insufficient. Building on a number of international conventions and instruments, including the Durham Declaration and Programme of Action, Costa Rica has pledged to take affirmative action in favour of persons of African descent.

75. Thus, in addition to the recommendations dealt with in the present report, the authorities are working on further initiatives. Under the national policy to combat racism,

steps are being taken to overcome historical shortcomings and to deal more effectively with and heighten awareness of the three population groups, with comprehensive efforts elaborated with the beneficiaries that go beyond isolated government actions and become State policy.

76. With regard to indigenous peoples, in April 2011, in the context of consultations with the United Nations Special Rapporteur on the El Diquís hydroelectric project and its impact on indigenous land in the region, Costa Rica invited the Special Rapporteur to determine on the ground the impact of the project on the indigenous peoples in the area. The Special Rapporteur's recommendations were accepted, including the one relating to the bill on the autonomous development of indigenous peoples.

77. In addition, in September 2011 Costa Rica expressed the intention in the Human Rights Council to seek paths to a dialogue with the indigenous populations. One of the Special Rapporteur's recommendations concerned the recovery of lands. The Government agreed with the Special Rapporteur that an opportunity existed to treat the question of the recovery of lands and expressed a willingness to enter into a dialogue with the indigenous communities on implementing that objective.

78. In October 2012, a dialogue began on putting an end to acts of violence in the indigenous territory of Salitre with regard to territorial security. A round table was set up for representatives of indigenous peoples of the south and the Government, headed by the President of Costa Rica, which was coordinated by the Ministry of Social Welfare in conjunction with the United Nations and the Office of the Ombudsman. A governmental team was also created to analyse a bill on the autonomous development of the indigenous peoples; its objective is to channel concerns about their rights, in particular with regard to indigenous representation and ways of resolving problems which arise from the lack of legislation which respects indigenous forms of government.

79. The dialogue aims to establish ways of giving a statutory framework to the right to prior consultation, which is still not regulated in Costa Rica.

D. Migrants and refugees

80. Costa Rica has made considerable progress in the area of migration thanks to the new Migration Act.

Refugees. A Special Migratory Situations Team has been set up to implement an integral approach to all migratory situations of any special nature in order to provide better care through closer inter-agency coordination, ensure respect for human rights and fulfil Costa Rica's commitment to the guiding principles of international protection, such as non-refoulement. Persons who apply for refugee status are issued a temporary document allowing them to work while awaiting a decision on their case.

Foreign indigenous population. The Migration Act guarantees the security of such persons when they are in transit or during their stay in Costa Rica, pursuant to special legal requirements, rules and procedures, and establishes inter-agency communications with human rights bodies and with their communities in Costa Rica and their countries of origin. The status of these persons is regularized, and their right to work and to a decent wage, health care, education and State services is guaranteed.

Migrant children. The protection of vulnerable migrant children has been strengthened through inter-institutional coordination, which has led to the creation of inter-agency instruments and protocols that permit their status to be regularized. Unaccompanied minors are placed in the care of PANI; this guarantees their rights and their comprehensive and timely protection.

Regularization of migration status. In line with the best interests of the child, four transitional provisions have been introduced in the regulations on aliens which facilitate the regularization of the status of foreign nationals with expired documents who are parents of a minor or an adult with a disability who is Costa Rican or a recognized resident. The transitional provisions also cover older persons, minors and persons with disabilities who are foreigners as well as employers with regard to the regularization of the status of foreign nationals employed in certain activities in the manufacturing and services sectors. Some 70,000 applications have been received. The transitional provision concerning workers is now in force.

Migration policy. The Government of Costa Rica has formulated a migration policy which serves as an tool for guiding State action and creating the conditions needed to make migration a factor in the development of the country and to ensure the welfare of migrants and their families and their full, inclusive integration in Costa Rican society. This policy reflects Costa Rica's commitment to managing and controlling migratory flows over the next ten years (2013–2023) and to working towards the integration of migrants.

E. Persons with disabilities

81. The Tenth National Census of 2011 indicates that 10.53 per cent of the national population has some form of disability. The National Council on Rehabilitation and Special Education is the lead entity active in this area. In existence for 40 years, it is an international reference with regard to the promotion and realization of the human rights of persons with disabilities, and it plays a coordinating and regulatory role in ensuring compliance with the obligations under the Convention.

82. In the period following the first universal periodic review, Costa Rica issued the following decrees:

- No. 36042-S (June 2010). Regulations for recognition of disability for access to special social and health-care programmes;
- No. 36293-MP-MTSS (December 2010). Leave of absence for up to one month with salary for civil servants with disabilities whose condition requires them to take leave of absence in order to learn to use a guide dog or any other assistance animal;
- No. 36357-S (February 2011). Creation of the National Registry of Statistics on Disabilities;
- No. 36524-MP-MBSF-PLAN-S-MTSS-MEP (June 2011). National Disability Policy 2011-2021;
- No. 36462-MP-MTSS (June 2011). Regulations concerning the Act on Inclusion and Labour Protection of Persons with Disabilities in the Public Sector.

83. With regard to public policies, the National Disability Policy 2011–2021 was introduced, which promotes institutional respect for the rights of persons with disabilities, focusing primarily on access to health care, education and employment, and ensures inter-agency coordination. In the area of mental health, the National Mental Health Policy 2012–2021 defines principles, focus, guidelines, a plan of action and decentralized services provided in a community setting. The National Network for the Promotion of Comprehensive Mental Health Care, which is centred in the community and aims to transform the traditional mental health-care model into a model for the promotion of comprehensive health care which guarantees the right to mental health, is directed at promotion, prevention, care, rehabilitation and reintegration with a community focus and relies on medical evidence to improve the quality and enjoyment of life of the persons concerned throughout their lives.

84. The participation of civil society has been crucial. State bodies are working to comply with legal provisions in the area of disability and to improve the living conditions of this population group; however, such efforts are more directed towards accessibility to physical spaces. Challenges in other fields remain.

F. Sexual orientation

85. The rights of lesbians, gays, bisexuals, transsexuals, transgenders, transvestites and intersexuals are one of the areas in which the greatest challenges exist. A political and social debate has been growing in Costa Rica on the recognition of the rights arising from the union of two persons of the same sex. However, according to the Constitutional Chamber, this is a matter for lawmakers to decide.[3]

86. A number of bills concerning civil unions between persons of the same sex and the concept of domestic partnerships are currently under consideration in the legislature, and signatures are being collected for a bill for a referendum on equality in marriage.

87. The Constitutional Chamber has recognized that lesbians, gays, bisexuals, transsexuals, transgenders, transvestites and intersexuals have equal rights with regard to the visit of their partners in prison. In October 2011, an article of the Prison System Regulations was declared unconstitutional because it discriminated against same-sex couples in respect of conjugal visits.

88. Concerning recommendation 91.4 made by Spain in the context of the first universal periodic review and relating to the right of transsexual persons to have documents in keeping with their identity, in June 2010 the Supreme Electoral Court issued a decree entitled Regulations for Identity Card Photographs, article 2 of which states that everyone has the right to enjoy respect for their image and sexual identity when a photograph is made for insertion in their identity card.

89. The State supports international initiatives on behalf of lesbians, gays, bisexuals, transsexuals, transgenders, transvestites and intersexuals, such as those approved by the Human Rights Council and the Organization of American States, and has granted refugee status to persons from Africa and Central America who were persecuted because of their sexual or gender identity.

90. Costa Rica is aware that in this area, the biggest challenge is to change cultural paradigms and attitudes in order to encourage and promote respect for lesbians, gays, bisexuals, transsexuals, transgenders, transvestites and intersexuals in all areas. It is here that reference should be made, as an expression of gender violence in society, to discrimination against the above-mentioned persons, who, in disregarding traditional male and female gender roles, become victims of physical, sexual and psychological violence, which is hidden from view by patriarchal cultural patterns.

91. Accordingly, in schools priority has been given to efforts to eradicate such conduct, and in 2012 a special protocol was elaborated on harassment, bullying and cyberbullying in secondary schools which recognizes that disrespect for another's sexual orientation triggers such conduct and specifies how the problem should be addressed, bearing in mind that harassment and bullying must not be taken lightly.

G. Older persons

92. The Third National and International Conference on the Rights of Older Persons in Latin America and the Caribbean, held in 2012, adopted the San José Charter, which noted the agreement of the countries concerned to improve their social protection systems to

respond to the needs of older persons through measures in the areas of social security, health care and social services. Emphasis was also placed on the obligation of States to ensure ageing with rights and dignity, and above all to eradicate the many forms of discrimination affecting such persons, and gender discrimination in particular. This effort points to the need for a convention on the rights of older persons.

93. The Tenth National Policy on Ageing and Old Age 2011–2021 has been elaborated, which focuses on the following strategic areas: (a) social protection, income and prevention of poverty; (b) abandonment, abuse and ill-treatment of older persons; (c) social participation and inter-generational integration; (d) consolidation of rights; and (e) integral health care. Regulations in this regard are being drafted.

V. Economic, social and cultural rights and the fight against poverty

A. General policies and target groups

94. The broadening of coverage under the care network to include children under five years of age in child care services with the help of the Inter-Agency Institute for Social Assistance (refurbishing, increase in hours and equipment) and the creation of new options with the support of municipalities, NGOs and private organizations stand out among the major developments during the first year of the implementation of the Second Plan of Action of the National Policy on Gender Equality and Equity 2012–2014.

95. Reference is made to the launching of a programme for a progressive care network for comprehensive assistance to older persons in Costa Rica through the National Council for Older Persons that broadens alternative assistance offered to poor and socially vulnerable older persons. Of particular note is the campaign on assistance to children, persons with disabilities, sick persons and older persons, in the framework of a sharing of social responsibility that involves the family, private enterprise and the State.

96. With these initiatives, Costa Rica recognizes that the burden for the care of persons who are vulnerable or in a vulnerable state, such as persons with disabilities, children and older persons, falls mainly upon women, which makes it less likely that they can work outside the home and avail themselves of meaningful employment opportunities for their personal development and in some cases forces them to abandon plans for their future lives in order to look after persons in their care. Thus, these measures benefit persons in that category, and women in particular, providing them with the opportunity to devote time to meeting their own needs and pursuing their interests or to achieving a higher quality of life and independence and improving their financial situation by working.

B. Policies aimed at the implementation of rights

1. Education

97. With regard to school drop-out prevention, the AVANCEMOS programme, which is a social initiative, works to encourage adolescents and youths from low-income families to return to the formal school system and to remain enrolled. A conditional financial transfer helps to increase family income, promote access to education and the universalization of secondary school, reduce poverty, assist pupils who have fallen behind and avoid school failure and child labour.

98. Some 8,000 pupils benefited from this programme in 2006, and 150,000 in 2009, a figure which reached 183,203 in December 2011. Mothers or guardians receive financial support for children enrolled in any educational facility of the Ministry of Education.

99. Families are responsible for ensuring that their children meet the conditions set concerning punctual and regular classroom attendance and satisfactory completion of courses, and they receive a staggered sum that increases with each academic year, thus becoming an incentive for educational success. Payment is monthly and continues throughout the year, as long as the pupil remains in school. There is no limit on the number of eligible children from the same family, provided they meet the conditions. Maximum monthly payments per family are set at 80,000 colons (about US$ 160). The programme is open to both Costa Ricans and foreign nationals.

100. Sex education has been taught since 2001 through an educational policy on the expression of human sexuality which incorporates the topic into the school curriculum on a cross-cutting basis. In 2009, the subject was made part of the civic education programme, which for the first time contained units on youth identity, sexual identity and diversity (interculturality).

101. In 2011, the Coexistence Programme was approved, which encourages activities in educational centres aimed at promoting coexistence and relations based on respect, diversity, participation and a sense of belonging and identity.

102. In June 2012, the Supreme Council of Education adopted a comprehensive educational programme on emotional relations and sexuality which is conducted as part of science classes in the third cycle of basic general education (seventh, eighth and ninth grades) and focuses on seven topics: (a) interpersonal relations; (b) culture, power and responsibility; (c) pleasure as a source of well-being; (d) gender; (e) psychosexual identity; (f) reproductive health; and (g) human rights.

103. The implementation of these programmes has been accompanied by teacher training to promote the management of content and new forms of knowledge transfer and evaluation and has led to the creation of forums to encourage discussions with pupil participation. The challenge now is to step up implementation and extend coverage to all levels of the school system.

2. Health care

104. With regard to recommendation 91.12, it should be pointed out that special legislation regulates the State response with regard to medical care, which includes access for women to all services. Abortion is the subject of discussion in a number of quarters, but it is still an offence and is permitted solely for medical reasons.

105. In 2012 and 2013, INAMU gave priority attention to comprehensive health care for women. Its activities took the following form:

(a) Strengthening of the institutional framework for prevention, care and treatment of breast cancer, in conjunction with the Costa Rican Social Security Fund, at the country's 40 breast cancer clinics in order to mainstream gender equality and raise awareness of the services offered;

(b) Direct work with women and organizations of civil society on promoting healthy lifestyles in relation to breast cancer.

106. With regard to the strengthening of the institutional and normative framework in respect of the right to health and safe, informed and responsible sex, Costa Rica has signed and ratified the main international human rights and population and development treaties and has adopted national legislation facilitating the implementation of international

provisions. A number of public policies, plans of action and strategic plans have been elaborated and put in place to guide the work of State institutions.

107. With respect to better access to comprehensive sexual and reproductive health-care services, the challenge is to incorporate sex education as a central element. This is of particular importance because over the past 10 years, the prevalence of HIV in Costa Rica has been growing. Inter-agency coordination is continuing in the National Council on Comprehensive Treatment of HIV-AIDS, which seeks to identify and assist women working on the issue and to mainstream the gender perspective in all projects and programmes. Measures conducted for women with HIV focus on education, awareness-raising and empowerment. A joint initiative of INAMU and the Costa Rican Social Security Fund has been launched which targets indigenous women in the south and supports education and information campaigns on HIV. The General HIV/AIDS Act is currently under review by the Ministry of Health.

108. The data point to the need to redouble efforts in broad, comprehensive programmes on sex education, the prevention of sexually transmitted diseases, including HIV, and quality and youth-friendly sexual and reproductive health services which ensure easy access to protection methods and are tailored to the needs and characteristics of adolescents and young persons. From a perspective of diversity, the services should also consider the specific needs of sexually diverse population groups.

109. The executive branch has proposed a bill to regulate in-vitro fertilization techniques, for which the Ministry of Health and other institutions would be responsible, in order to give effect to the decision of the Inter-American Court of Human Rights. A proposed revision of the chapter on sexual and reproductive health of the Comprehensive Health Care Act has been referred to the Legislative Assembly.

3. Water and sanitation

110. Building on the right to health, life, a clean environment, food and decent living conditions,[4] the Constitutional Chamber recognizes the human right to drinking water as a constitutional right. This requires the State to work to ensure access to drinking water for all.

111. Public institutions must make responsible use of water resources, ensure that water is available for exploitation, guarantee its present provision and sustainability and see to it that its use does not create a risk to the environment that compromises current and future supply.

112. As the lead entity responsible for the management of the national water supply and sanitation system, the Costa Rican Institute for Water Supply and Sanitation is elaborating lines of action, such as the Model Approach for Informal Settlements in the Process of Consolidation, which is directed at vulnerable population groups in the metropolitan area and seeks to improve the water supply infrastructure for persons who do not have access to quality drinking water.

113. In six settlements, the Model Approach has improved the supply of drinking water and quality of life, upgraded the infrastructure and reduced the risk associated with the improper use of water in informal settlements; studies are being conducted to determine technical and hydrological viability. Work involving more than 17 environmentally friendly indigenous rural water supply systems is currently under way.

114. Other projects of interest:

- The second drinking water and basic rural sanitation programme to improve the drinking water and basic sanitation for 14 communities in rural areas in the

provinces of Limón, Guanacaste, Puntarenas and Alajuela, which will improve the living conditions of approximately one per cent of the national population;

- The San José metropolitan area environmental improvement project, based on the concept of environmental sanitation; by 2015, some 1,070,000 persons, or 21.40 per cent of the national population, will benefit;
- The Limón Port City project is in the process of completing the final design of a sewage system which will benefit 26,514 inhabitants;
- The San José metropolitan area water supply programme and the Puerto Viejo, Limón, urban water supply and sewage system project, whose objective is to upgrade the water supply systems of 43 communities nationwide and the Puerto Viejo de Limón sewage system, which will benefit 2,283,947 inhabitants.

115. Costa Rica is aware that it is facing a number of challenges to the goal of access to drinking water for all and that it must step up efforts to eliminate gaps in that regard.

4. Housing

116. In the last four years, the Ministry of Housing and Human Settlements has focused on and coordinated work on housing, human settlements and territorial planning with a view to facilitating efforts to elaborate State policy in these areas. With inter-agency help, a national territorial planning policy 2012–2040 was officially published in May 2013, as was a national land management plan 2020 in December 2013. A national housing and human settlements policy and its plan of action 2030 are also in the process of being officially published.

5. Employment and labour rights

117. In accordance with recommendation 59, major changes have been made to the Act on Sexual Harassment at the Workplace of 2010, including the obligation of prevention. The Act, the scope of which was extended to include men and women, is applicable to relations of harassment between hierarchical equals, inferiors and superiors. Its scope has also been broadened to include education, a guarantee of confidentiality for complaints, a sanctions regime and the principle of *in dubio pro* the victim. Despite these normative developments, the main difficulty in the application of the law is in the private sector.

118. With regard to the fight against child labour, activities are being conducted under public policy coordinated by the Ministry of Labour and Social Security with the technical and economic assistance of the International Labour Organization (ILO) to encourage compliance with principles regarding minors and their fundamental rights. In the framework of the promotion by ILO of decent work in the Americas (An Agenda for the Hemisphere, 2006–2015), Governments proposed the gradual elimination of child labour, setting two regional political objectives: eliminating the worst forms of child labour by 2015, and eliminating child labour entirely by 2020.

119. To that end, Costa Rica has elaborated a national strategic framework entitled "Road map to make Costa Rica a country free of the worst forms of child labour", which coordinates public policies and initiatives with a direct or indirect impact on the prevention and eradication of the worst forms of child labour and on the protection of juvenile workers. The road map has six dimensions: the fight against poverty; education; health care; the legislative and institutional framework; awareness-raising and public outreach; and generation of knowledge and follow-up.

120. With the help of the Ministry of Labour and Social Security, the National Statistics and Census Institute and ILO, a child and adolescent labour unit was incorporated into the 2011 National Household Survey. The findings, which make it possible to identify working

minors as a group so as to direct and focus action in areas with the highest incidence, show a significant decline in the number of working minors, from 1,113,523 in 2002 to 1,022,131 in 2011.

121. For its part, the Office for the Prevention and Eradication of Child Labour and the Protection of Juvenile Workers, the body responsible for directing the policy and specific measures of the Ministry of Labour and Social Security in this area, has placed emphasis on meeting the objective of the National Development Plan to reduce the participation of children in labour activities and to remove juveniles from the worst forms of labour in order to guarantee the full enjoyment of their rights in accordance with national legislation and ratified international conventions. The statistical data show that the public policy implemented in recent years has been positive and is proof of a sustained and significant educational evolution in the fight to eradicate child labour and protect juvenile workers.

Notes

[1] Víctimas de trata.

Nacionalidad	*Fines*	*Mujer Adulta*	*Mujer PME*	*Hombre Adulto*	*Hombre PME*	***Total***
Colombiana	Laboral	1				**1**
Colombiana	Tráfico Ilícito de Órganos	1				**1**
Costa Rica	Sexual	1	3			**4**
Costa Rica	Tráfico Ilícito de Órganos	2				**2**
Costa Rica	Tráfico Ilícito de Órganos			10		**10**
El Salvador	Laboral	2				**2**
Nicaragua	Sexual	4				**4**
Nicaragua	Laboral		1			**1**
República Dominicana	Matrimonio Servil	1				**1**
República Dominicana	Sexual	3				**3**
Total General						**29**

[2] Ver sentencias N° 6336 y N° 7989 del 2005, Voto N° 11762 del 2006. Del año 2009 la N° 1332 y N° 6558. Del 2011 N° 2011-3742, la N° 4815, en 2012 los votos N° 3742, el N° 2053, N° 5310, el Voto N° 6925 el N° 5740.

[3] Sentencia 2006-7262 Sala Constitucional.

[4] Sentencias Sala Constitucional, 8767-09 del año 2009 y 6922-10 del 2010.